

LAWRENCE COUNTY COMMISSIONERS MEETING – September 3, 2019

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 3, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

AGENDA: Moved-Seconded (Rosenau-Johnson) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with Change of Zoning #331. APPLICANT: Loup Land Co., LLC.

MINUTES: Moved-Seconded (Rosenau-Sleep) to approve the minutes of August 13, 2019 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve the minutes of August 13, 2019 Board of Adjustment meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Rosenau-Johnson) to approve the cell phone per diem of \$104.00 per month for Rich Walk, effective August 18, 2019. Motion Carried.

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Flanagan-Sleep) to approve the out-of-class pay for Norman Burlison at a base rate of \$29.30 an hour for 10 hours per day from August 26-29, 2019. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 8:03 a.m. Moved-Seconded (Sleep-Rosenau) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:12 a.m. The Board opened for regular business with no action taken.

TREASURER:

Moved-Seconded (Rosenau-Johnson) to allow employees to donate leave to Linda Quenzer upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Leave used will be at the discretion of the supervisor. Motion Carried.

PUBLIC DEFENDER:

Moved-Seconded (Rosenau-Johnson) to allow employees to donate leave to Beverly Caserio upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Leave used will be at the discretion of the supervisor. Motion Carried.

TRAVEL REQUEST:

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Amber Richey and Staci Reindl to attend the 2019 Defending Sex Cases Conference in Las Vegas, NV from November 10-17, 2019. Motion Carried.

RAFFLE REQUEST / LEAD-DEADWOOD 49ERS YOUTH FOOTBALL AND CHEER

PROGRAM: Moved-Seconded (Rosenau-Sleep) to not object to the request to conduct a raffle for the Lead-Deadwood 49ers youth football and cheer program, with the drawing taking place on October 5, 2019. Motion Carried.

EDDY SIMONS ROAD DISTRICT: Moved-Seconded (Sleep-Johnson) to canvass the Eddy Simons Road District Election showing the whole number of ballots cast was twelve (12), together with the number of nine (9) voting for and the number of three (3) voting against incorporation and authorize the signing of the Official Canvass. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the following Order Declaring Eddy Simons Road District Incorporated. Motion Carried. ORDER DECLARING EDDY SIMONS ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Eddy Simons Road District to determine whether or not a Road District should be incorporated. WHEREAS, this vote was held on August 28, 2019. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Twelve (12), together with the number of Nine (9) voting for and the number of Three (3) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Eddy Place, Boulder Creek Road and Simons Place located in Lots 1-A, 1-B, formerly Lot 1; Lots 1-D, 1-E, 1-F of the subdivision of Lot 1-C; Lot 7, Lot 8 and the West 160' of Lot 7, Lots A, B, C, D, E, F, G, H, J, K, N, O, P, Q; Lots L Revised and M Revised, formerly Lots L and M; Lots R-1 and S-1, formerly Lots R and S, all located in Eddy Simons Subdivision located in the NE1/4 of section 23, T5N, R4E, B.H.M., Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Eddy Simons Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 3rd day of September, 2019. Randy Deibert, Chairperson Lawrence County Commission. ATTEST: Brenda McGruder, Auditor.

EMERGENCY MANAGEMENT: Paul Thomson, Emergency Management Supervisor was present to inform the board that a full-scale exercise will take place at the Spearfish Airport on October 5, 2019 with an alternative date of October 12, 2019. Thomson stated that a meal would be provided to the volunteers and requested permission to pay for 1/3 of the meal cost along with Black Hills Life Flight and Spearfish Ambulance. Moved-Seconded (Johnson-Rosenau) to approve Lawrence County to pay 1/3 of the meal provided during the full-scale exercise on October 5, 2019 at the Spearfish Airport. Motion Carried.

BLACK HILLS ENERGY RENEWABLE READY SUBSCRIPTION APPLICATION: Moved-Seconded (Flanagan-Rosenau) to authorize the Chairman to sign the Black Hills Energy renewable ready subscription for 25 years and subscribe to 50% of the energy consumed at the service locations listed. Motion Carried.

ELECTIONS:

2019 STATEWIDE ELECTION EQUIPMENT PURCHASE FORM: Moved-Seconded (Flanagan-Deibert) to authorize Brenda McGruder, Auditor, to sign the 2019 statewide election equipment purchase form. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of August 27, 2019: **Spearfish Diesel #2 (dyed) 3500 gallons:** (prices per gallon) CBH Cooperative – \$2.231; Harms Oil Co-No Bid; MG Oil – \$2.12*. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative – \$2.543; Harms Oil Co-No Bid; MG Oil–\$2.35*. *Represents lowest quote awarded.

NORTH ROCHFORD ROAD: Steve & Lavonne Wold, Wynn Cockrum and Richard & Joy Wilczynski were present to discuss their concern with the North Rochford Road overlay project and the apron leading into their driveways. Their collective concerns were outlined in a letter to the commission dated August 16, 2019.

The Board acknowledged the issue and instructed Allan Bonnema, Highway Superintendent, to address this issue during Phase 3 of the North Rochford Road project.

2020 PRELIMINARY ENGINEERING GRANTS: Allan Bonnema, Highway Superintendent, informed the Board that the State awarded the 2020 preliminary engineering grants. Bonnema stated that the State awarded 35 grants and Lawrence County was ranked 37th.

COMPETITIVE HIGHWAY BRIDGE PROGRAM: Allan Bonnema, Highway Superintendent, informed the Board that the West River Counties Bridge Replacement Project was awarded a grant for \$2,247,000.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: Allan Bonnema, Highway Superintendent, presented the Board with a draft copy of the Five-year County Highway and Bridge Improvement Plan. A public meeting will be held on September 24, 2019 at 8:30 a.m.

ANNIE CREEK ROAD: Bruce Outka, Deputy State's Attorney discussed a letter from John Kelley, North Zone Recreation/Lands Manager, Black Hills National Forest, inquiring whether the county asserted any jurisdiction and/or interest in the Annie Creek Road. Allan Bonnema, Highway Superintendent explained that the county has placed a 9-1-1 sign along the road but otherwise has no interest in the road.

2020 BUDGET: A public hearing was held on the proposed 2020 budget. No further comments were voiced and the chairman closed the hearing.

The Board will consider the adoption of the budget at the September 24, 2019 meeting.

PLANNING & ZONING:

CHANGE OF ZONING #331/LOUP: Roger Tellinghuisen, representative for Loup Land Co. LLC, was present to inform the Board that the required notice letters were not sent. The public hearing and first reading was therefore rescheduled for September 24, 2019 at 9:00 a.m. to allow for the notices to be sent.

VACATION OF PLAT / RUFF/SCHENK: A public hearing was held on a Petition to Vacate a Plat submitted by Eugene Ruff & Rebecca Ruff and Karl Schenk & Nancy Schenk: Plat of Lots 3A and 5A of HES 537, formerly Lots 3, 4 and 5 of HES 537; located in Section Two, Township Three North, Range Four East (S2-T3N-R4E), B.H.M., Lawrence County, South Dakota, as shown on Plat Document 2017-5368.

Gene Ruff, petitioner, was present to provide the basis for the request to vacate the plat. Ruff explained the request came from the inability to work out an access issue with a third party.

No other public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Resolution #19-20. Motion Carried. RESOLUTION #19-20 RESOLUTION & ORDER VACATING PLATS WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Eugene Ruff and Rebecca Ruff and Karl Schenk and Nancy Schenk, requesting for the Vacation of said Plat: Plat Document 2017-5368 pursuant to SDCL 11-3-21.1 et seq., and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer at least ten days in advance of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, the legal description of the plat: Plat of Lots 3A and 5A of HES 537, formerly Lots 3, 4 and 5 of HES 537; located in Section Two, Township Three North, Range Four East (S2-T3N-R4E), B.H.M., Lawrence County, South Dakota, as shown on Plat Document 2017-5368, and WHEREAS, The names of the legal voters residing upon the platted land: Eugene Ruff and Rebecca Ruff, and WHEREAS, the character and use of the plat: Rural land with private access easement. WHEREAS, A description of any public highway located there: Nemo Road. WHEREAS, The facts and the reasons for such vacation are as follows: Eugene and Rebecca Ruff intended to buy a strip of land from Karl and Nancy Schenk and vacate an existing easement on property Eugene and Rebecca Ruff owned to allow the existing easement to be moved to an approach Karl and Nancy Schenk had put in, allowing a much better approach to Nemo Road from a grade, visibility and maintenance perspective. However, Members of a homeowner's association objected, and Eugene and Rebecca Ruff believe such purchase is now an impracticality. The easement which shows on the plat filed November 15, 2017, Doc # 2017-5368 therefore no longer serves any purpose. WHEREAS, the granting of the petition will not abridge or destroy any of the

rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, it may vacate the plat specified in the petition. All property taxes on such plat shall be paid before it may be vacated, BE IT RESOLVED by the Lawrence County Board of Commissioners to hereby vacate said Plat: Plat Document 2017-5368. Dated this 3rd day of September, 2019. Randy Deibert, Chairperson Lawrence County Commissioner. ATTEST: Brenda McGruder, the duly elected Auditor of Lawrence County, SD, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held September 3, 2019. Dated at Deadwood, SD, this 3rd day of September, 2019. Brenda McGruder Lawrence County Auditor.

RECESS: 9:46 a.m. Moved-Seconded (Rosenau-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:56 a.m. The Chairman called the Commission meeting back to order.

PLATS:

PRELIMINARY PLAT/WINSELL: APPLICANTS: Dennis & Dorothy Winsell LEGAL DESCRIPTION: Plat of Lots A-F of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Rd SUMMARY: New subdivision ZONING: PF ACREAGE: Each lot approx. 3.5 acres.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary plat for Dennis & Dorothy Winsell noting that the road criteria will be revisited on the final plat. LEGAL DESCRIPTION: Plat of Lots A-F of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Rd SUMMARY: New subdivision ZONING: PF ACREAGE: Each lot approx. 3.5 acres. Motion Carried.

JOINT POWERS AGREEMENT: Amber Vogt, Planning & Zoning Administrator, presented the proposed Joint Powers Agreement with the City of Spearfish.

INVESTMENT REPORT: Deb Tridle, Treasurer was present to discuss the Investment Report.

REQUEST TO OPEN SECTION LINE/DUNWOODY: Jason Ward, representing Doug and Tacey Dunwoody, was present to seek permission to improve the section line highway that extends north 250' more or less from the intersection with Spring Creek Lane located in the NE1/4NE1/4, SE1/4NE1/4 of section 34 and the NW1/4NW1/4 section 35 in T7N, R2E BHM, Lawrence County South Dakota.

Moved-Seconded (Flanagan-Johnson) to allow Doug and Tacey Dunwoody to construct a driveway in the section line only to the south boundary of Lot 7, with the understanding that there shall be no county maintenance or liability for any such improvements. Motion Carried. Abstain-Deibert

ITEMS FROM THE PUBLIC:

Dennis Forgey Spearfish Rural Fire Protection District, was present to discuss 911 addressing for rural homes in Spearfish Rural Fire Protection District and County wide. No action was taken.

ITEMS FROM THE COMMISSIONERS:

Commissioner Deibert reviewed information items. No action was taken.

BILLS: Moved-Seconded (Flanagan-Rosenau) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$6,870.32; Aud-\$11,153.03; Treas-\$12,812.74; States Atty-\$15,046.70; Pub Def-\$12,594.87; Gen Govt Bldg-\$8,430.93; Equal-\$15,388.59; Rod-\$9,155.95; Vso-\$1,490.40; Ist-\$9,387.03; Sher-\$54,819.65; Jail-\$25,228.17; Coroner-\$460.66; 24/7-\$488.86; Emerg Mgnt-

\$4,585.10; E911-\$16,101.35; Highway-\$46,366.16; Weed-\$7,841.90; Pz-\$5,914.11; **Bills:** Vogt, Amber-\$112.00; Dragoo, Shelley-\$200.34; Steffen, Peggy-\$20.00; A&B Business,Inc Solutions-\$562.48; A&B Welding Supply-\$22.63; Ace Hardware Of Lead-\$79.97; Air Connection-\$4,230.96; Anderson Excavation-\$17,060.00; Architectural Specialties-\$4,191.04; At&T Mobility-\$683.49; American Family Life-\$2,706.73; At&T-\$7.81; Black Hills Energy-\$15,789.59; Centurylink-\$1,977.31; Credit Collections Bureau-\$281.53; Deadwood Recreation Center-\$681.00; Delta Dental Of South Dakota-\$7,882.36; Dept Of The Treasury-\$62,181.00; Midcontinent Communications-\$112.75; Montana Dakota Utilities-\$68.55; Northern Hills Rec Center-\$256.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Sd Retirement System-\$61,160.34; Sdrs Supplemental Retirement-\$1,920.00; Vast Broadband-\$1,678.77; Verizon Wireless-\$106.99; Wellmark Blue Cross-\$87,452.53; Wells Fargo Business Card-\$6,201.40; BH Occupational Medicine-\$120.00; BH Physcial Therapy-\$160.00; BH Pioneer-\$26.42; Barnaud Law Firm-\$528.65; Black Hills Energy-\$236.05; Black Hills Power-\$500.00; Black Hills Urgent Care-\$90.00; Brownsville Fire Dept-\$4,394.43; Butler Machinery Co-\$2,364.80; Century Business Products-\$135.40; Dakota Business Center-\$1,711.66; Dakota Equipment Rental-\$3,458.67; Deadwood Vol Fire Dept-\$12,984.11; Deadwood, City Of-\$1,625.12; Ecolab-\$156.42; Emergency Services Marketing-\$3,185.00; Ertz, Dewey J, Ed-\$1,050.00; Ewing, Robert-\$150.60; Fastenal-\$151.59; Floyd's Truck Center-\$45.13; Galls-\$110.00; Godfrey's Brake Serv-\$648.34; Groeneweg Builders-\$308.56; Heartland Paper Co-\$1,699.44; Highway Improvement-\$34,762.00; Hilpert & Hale Prof-\$360.70; Jacobs Precision Welding-\$226.02; Janke, Wendy-\$2,298.00; Joe's Windsheild Repair-\$550.00; Johner Gravel-\$28,939.03; Kiesler's Police Supply-\$429.00; Knecht Home Center-\$48.95; Lakota Contracting-\$218.90; Language Line Services-\$280.35; Lead Fire Protection District-\$15,501.62; Lead, City Of-\$77.13; Lead-Deadwood Regional Hospital-\$938.00; Lee, James-\$15.00; Lewno, Lucy-\$81.50; Mack's Auto Body-\$17,185.16; Mlj Properties Sd-\$600.00; Montana Dakota Utilities-\$1,263.71; Ms Mail-\$20.00; Nalco Company-\$843.24; Nelson, Christy-\$250.00; Nelson, Tonya-\$1,100.00; Nemo Volunteer Fire Dept-\$1,377.19; North Central Int'l-\$140.64; PCSO Addiction Treatment Serv-\$452.00; Pennington Co Jail-\$2,449.45; Pennington County Sts Attny-\$215.00; Pete Lien & Sons-\$47,585.89; Powerplan-\$2,297.23; Priority Dispatch-\$52,758.00; Proguard-\$284.25; Quill-\$239.95; Rasmussen Mechanical Serv-\$37,283.00; Regional Health-\$1,608.58; Rena M. Hymans-\$1,702.48; Rhomar Industries-\$1,066.80; Rochford Fire Protection Dist-\$683.39; Rocket Lube-\$329.45; Sara J Fitzgerald-\$264.00; Sdaco-\$75.00; Servall Towel & Linen-\$678.13; Shaw Fire & Safety-\$59.00; Simon North Region Sd-\$5,317.70; Southside Service-\$36.00; Spearfish Canyon Fire-\$2,197.38; Spearfish City Of-\$71.07; Spearfish Fire Dept-\$52,241.35; Spearfish Police Dept-\$10,464.61; St Onge Fire Protection Dist-\$1,077.80; Sterna, Laura-\$1,410.08; Sturdevant's Auto Parts-\$13.30; Sturgis Fire Department-\$3,380.36; Sysco Montana-\$2,783.49; Top Quality Mfg-\$67.50; Transource Truck & Equip-\$75.76; Triple K Tire & Repair-\$1,864.13; Turnkey Corrections-\$56.98; Twin City Hardware & Lumber-\$866.91; Tyler Technologies-\$2,471.00; Vast Broadband-\$59.99; Victims Of Violence-\$953.50; Western Communication-\$750.00; White's Queen City Motors-\$73.45; Whitewood Fire Prot District-\$6,866.73; Williams Properties-\$500.00; Yankton County-\$120.00; Z&S Dust Control-\$47,358.70; **Witness & Jurors:** Harper,J-\$55.88; Schroeder,J-\$53.36; Rosenau, R-\$22.60; Adams,D-\$64.28; Bennett,J-\$53.36; Bradley,M-\$66.80; Glasford,N-\$63.44; Kaiser,V-\$63.44; Livermont,L-\$52.52; Nelson,R-\$53.36; Schmeichel,S-\$62.60; Anglin,L-\$100.92; Hansen,D-\$100.08; Big Crow,B-\$311.20; Broussard,E-\$52.52; Daniels,D-\$60.92; Detweiler,A-\$59.24; Heaton,M-\$60.92; Mccarty,M-\$66.80; Quenzer,J-\$50.00; Tyler-Streff,C-\$62.60; Brooking,H-\$61.76; Covell,H-\$60.92; Hafner,J-\$62.60; Hegge,C-\$64.28; Kilmer,K-\$62.60; Markworth,D-\$63.44; Opstedahl,M-\$58.40; Pederson,K-\$62.60; Walkins,K-\$71.00; Crandall,J-\$22.52; Zimmer,J-\$22.52; Aristide,D-\$13.36; Anderson,B-\$22.60; Auer,A-\$20.08; Bald Eagle Bear,S-\$26.80; Bedford,G-\$17.56; Bertrand,A-\$206.72; Bettelyoun,K-\$25.96; Blair,S-\$23.44; Bouman,L-\$22.60; Boyd,R-\$22.60; Boyd,V-\$22.60; Burke,S-\$18.40; Burns,J-\$22.60; Bussiere,E-\$22.60; Butrymowicz,J-\$250.40; Christensen,A-\$22.60; Cooper,D-\$284.00; Cooper,M-\$25.96; Creed,R-\$267.20; Creger,S-\$12.52; Culbertson,K-\$21.76; Dimick,E-\$240.32; Downey,B-\$10.84; Eberhard,D-\$20.08; Ellendorf,M-\$10.00; Ewing,K-\$267.20; Farrier,J-\$13.36; Fillmore-Frey,T-\$18.40; Fosheim,B-\$13.36; Frey,W-\$31.00; Gabriel,J-\$18.40; Gould,M-\$22.60; Green,D-\$10.00; Griffith,T-\$10.84; Gustafson,C-\$20.92; Hanic,G-\$22.60; Harter,T-\$12.52; Hatten,K-\$22.60; Henriksen,D-\$26.80; Hill,H-\$22.60; Hill,M-\$25.96; Hiller,J-\$20.92; Hoard,E-\$270.56; Hodgs,D-\$128.56; Hoffman,D-\$31.84; Hogan,R-\$203.36; Joyce-Grendahl,K-\$14.20; Kayser,W-\$20.92; Kiger,K-\$250.40; Kimball,D-\$24.28; King,D-\$22.60; King,R-\$21.76; Kline,S-\$22.60; Kramer,K-\$263.84; Kroon,R-\$10.00; Lapka,J-\$22.60; Lauer,M-\$19.24; Learned,D-\$25.12; Leroy,W-\$22.60; Mcdermott,P-\$22.60; Meade,J-\$31.00; Mentele,M-\$20.08; Meyer,L-\$26.80; Mitchell,C-\$22.60; Morgan,M-\$25.96; Murphy,G-\$20.92; Nauta,J-\$263.84; Paris,N-\$26.80; Peterson,D-\$22.60; Peterson,S-\$25.96; Plocek,N-\$21.76; Reif,S-\$14.20; Rosencranz,T-\$19.24; Ryan,R-\$15.04;

Samona,K-\$22.60; Santee,J-\$13.36; Schilling,B-\$22.60; Shumaker,A-\$22.60; Smith,K-\$28.48; Triscori,L-\$250.40; Tucker,T-\$26.80; Urdiales,K-\$23.44; Vostad,C-\$25.96; Whitted,C-\$22.60; Babb,J-\$23.44; Barnes,T-\$205.44; Bechard,J-\$35.20; Brown,W-\$20.08; Burling,G-\$187.80; Buth,T-\$25.96; Clause,S-\$24.28; Crotty,J-\$12.52; Darling,J-\$15.88; Davis,K-\$22.60; Downing,H-\$192.84; Edwards,N-\$187.80; Everhard,G-\$12.52; Floyd,J-\$24.28; Follette,T-\$24.28; Fraser,C-\$23.44; Goethals,H-\$25.96; Grangaard,S-\$21.76; Green,C-\$22.60; Griffith,J-\$22.60; Griffith,W-\$12.52; Gusti,J-\$175.20; Hand,T-\$207.96; Harvey,S-\$12.52; Hatch,D-\$24.28; Heidrich,F-\$22.60 ; Heying,B-\$11.68; Holdcroft,P-\$19.24; Hulm,S-\$26.80; Iszler,M-\$31.00; Jeffery,M-\$22.60; Jones,L-\$11.68; Kirsch,L-\$25.96; Klapperich,W-\$35.20; Klein,G-\$13.36; Leatherman, K-\$24.28; Lehman,K-\$13.36; Ludens,J-\$25.12; Mack,G-\$10.84; Magnusson,J-\$200.40; Mathisrud,D-\$14.20; Mccolley,M-\$35.20; Miller,T-\$39.40; Minihan,V-\$167.64; Mitchell,T-\$12.52; Olthoff,S-\$22.60; Otis,T-\$21.76; Pavich,K-\$59.24; Peters,P-\$25.12; Phillips,R-\$12.52; Pickett,J-\$24.28; Pursley,S-\$24.28; Riemer,J-\$24.28; Rogge,P-\$22.60; Roth,M-\$22.60; Rystrom,J-\$14.20; Sargent,J-\$31.00; Sewell,A-\$20.92; Sewell,C-\$22.60; Sharkey,D-\$22.60; Shay,S-\$12.52; Smedstad,J-\$19.24; Stahl,C-\$15.04; Steckline,T-\$26.80; Sumners,C-\$187.80; Thorman,B-\$27.64; Tollison,M-\$25.96; Tschetter,K-\$22.60; Vanderwerff,J-\$18.40; Vandever,N-\$187.80; Walton,V-\$10.84; Waugh,M-\$20.08; Williams,J-\$25.12; Williams,P-\$22.60; Zimmerman,D-\$16.72; Zuercher,W-\$187.80; Padilla,D-\$156.50; Stearns,R-\$33.44; Wood-Crosby,T-\$28.40.

ADJOURN: 11:17 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – September 3, 2019

Chairman Randy Deibert called the meeting of the Lawrence County Board of Adjustment to order at 9:46 a.m. on September 3, 2019, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan present.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

DECLARE CONFLICTS: No conflicts were declared by the Lawrence County Board of Adjustment.

VARIANCE #175/GIBBONS: Variance #175, continued from September 3, 2019.
APPLICANT: Wallace Gibbons LEGAL: M.S. 252 Tract F Revised Section 28, T5N, R3E.
VICINITY LOCATION: Maitland Rd/Hwy 85 SUMMARY: Applicant is requesting a 7.2' variance on the SE corner to the 25' front setback ACREAGE: .24 acres.

Amber Vogt, Planning & Zoning Administrator, gave an overview of the alternative plan submitted by the applicant.

Moved-Seconded (Flanagan-Deibert) to approve Variance #175 with a .2' SE corner variance to the 25' front setback and a 5' variance to the 10' side setback noting the letter received from Tom Miller, neighbor, stating his approval of the side setback. APPLICANT: Wallace Gibbons LEGAL: M.S. 252 Tract F Revised Section 28, T5N, R3E. VICINITY LOCATION: Maitland Rd/Hwy 85. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

ADJOURN: 9:56 a.m. There being no further business, it was Moved-Seconded (Flanagan-Deibert) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Randy Deibert, Chairman

ATTEST:

Brenda McGruder, Auditor